1 2 3 4 5 6	CHRISTOPHER CHIOU Acting United States Attorney District of Nevada Nevada Bar #14853 LISA CARTIER-GIROUX Lisa.Cartier-Giroux@usdoj.gov KIMBERLY SOKOLICH Kimberly.Sokolich@usdoj.gov Assistant United States Attorney 501 Las Vegas Blvd. South, Suite 1100 Las Vegas, Nevada 89101 (702) 388-6336 Representing the United States of America	
7 8	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA	
9		OF NEVADA
	UNITED STATES OF AMERICA,	Case No. 2:21-cr-00081-APG-DJA-1
10	Plaintiff,	Government's Response to Defendant's Sentencing Memorandum (ECF No. 31)
11	vs.)
12	ALEXANDER KOSTAN,))
13	Defendant.))
14)
15	Certification: This response is timely filed.	
16	I. Introduction	
17	The United States of America submits this brief in response to Defendant Alexander	
18	Kostan's Sentencing Memorandum (ECF No. 31). Kostan's sentencing hearing is currently	
19	scheduled for July 22, 2021.	
20	In summary, the government recommends that the Court sentence Kostan at the lov	
21	end of the advisory Guideline range as determined by the Court. The government further	
22	recommends that defendant be subject to home confinement, provided at least one month is	
23	satisfied by imprisonment. Finally, the government recommends that restitution in the	
24	amount of \$71,335.72 be ordered joint and severally liable with the five similarly charged	
	Page 1 of 5	

defendants. This is consistent with the government's position in the plea agreement (ECF No. 30) and such a sentence is sufficient but not greater than necessary to achieve the sentencing goals under 18 U.S.C. §3553(a).

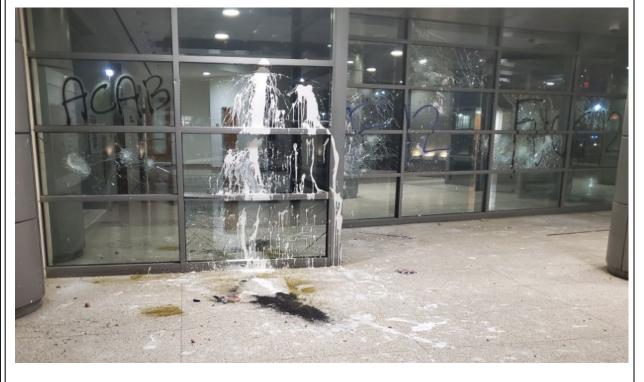
II. Relevant Facts and Procedural Background

On May 30, 2020, a large crowd gathered in front of the Foley Federal Building, located at 333 South Las Vegas Boulevard. PSR ¶ 9. Several individuals, including Kostan, broke apart from the crowd and began to damage the building. *Id.* Windows were shattered, the walls of the building were spray painted with obscenities and anti-law enforcement graffiti, signs were destroyed, and the landscaping was lit on fire. *Id.* Kostan, along with others, went to the east entrance of the building and tried to break the windows in an attempt to make entry. *Id.* ¶ 14. An on-duty Federal Protective Service Security Officer, T.W., who was stationed inside, witnessed the damage and attempted break-in. *Id.* ¶ 9–13. T.W. stated the crowd outside could see him inside the lobby and they were chanting, "Get him! Get the Cop!" *Id.* ¶ 10. T.W. was in fear of the crowd breaking through the windows and the potential actions against his person if the crowd successfully made entry. *Id.* Ultimately, police units arrived, and the crowd was dispersed. *Id.*



"Foley Federal Building United States Courthouse" sign with letters torn off and graffiti.

Page 2 of 5



Damage to front of Foley Federal Building

On April 20, 2021, Kostan pleaded guilty to Depredation Against Property of the United States, in violation of 18 U.S.C. §§ 1361 and 2. ECF No. 29.

III. Sentencing

In conformity with the plea agreement, the government respectfully requests that the

Court sentence Kostan to the low end of the Guideline range calculated by the Court. If the Court accepts U.S. Probation's Office's current calculation of a Total Offense Level of 10 and a Criminal History Category of I, a sentence at the low end of the resulting Guidelines

The government further recommends that U.S.S.G. §5C1.1(c)(2) should be applied to Kostan's sentence so that she may be subject to home confinement according to the schedule in 5C.1.(e)(3), provided at least one month is satisfied by imprisonment. The government believes this sentence would be sufficient, but not greater than necessary, to

range would be six months imprisonment. PSR at 18.

Case 2:21-cr-00081-APG-DJA Document 32 Filed 07/14/21 Page 4 of 5

1

2

5

7

11

17

21

24

achieve the sentencing goals of 18 U.S.C. §3553(a). When Kostan joined with others on May 30, 2020, she purposefully destroyed federal property. PSR ¶ 94. Her actions and 3 willful participation promoted violence, vandalism, and destruction and he should be held 4 accountable for this unlawful behavior. The requested sentence reflects the seriousness of the offense, as well as the need to promote respect for the law, deter future criminal conduct, and provide just punishment. 6 IV. Restitution 8 The damage to the Foley Federal Building was significant, totaling \$71,335.72. PSR 9 ¶ 88. Pursuant to the plea agreement, the government recommends that the Court order the 10 full amount of restitution, to be imposed jointly and severally liable with the defendants in: United States v. Wallace, 2:20-cr-289-RFB-VCF; United States v. Simon, 2:21-cr-00073-JCM-12 EJY; United States v. Lewis, 2:21-cr-00044-JAD-DJA; United States v. Avalos, 2:21-cr-92-JAD-13 VCF; and *United States v. Cherry*, 2:21-mj-139-DJA. Restitution is payable to: 14 General Services Administration (GSA) Attn: Herb Orrell 15 333 S. Las Vegas Blvd, #5501 Las Vegas, NV 89101 16 // 18 // 19 20 22 23

V. Conclusion 1 The government respectfully requests that this Honorable Court sentence Kostan to 2 the low end of the Guidelines, allowing Kostan to be subject to home confinement, so long 3 4 as one month is satisfied by imprisonment. 5 DATED this 14th day of July 2021. Respectfully submitted, 6 7 CHRISTOPHER CHIOU Acting United States Attorney 8 /s/ Lisa Cartier-Giroux 9 LISA CARTIER-GIROUX Assistant United States Attorney 10 /s/ Kimberly Sokolich 11 KIMBERLY SOKOLICH Assistant United States Attorney 12 13 14 15 16 17 18 19 20 21 22 23 24